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SUBJECT: TAJIKISTAN'S 2006-2007 TRAFFICKING IN PERSONS REPORT

REF: STATE 202745

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11. Please note that Post's paragraph designation corresponds with reftel.

#### OVERVIEW

1A. Tajikistan is an origin country for trafficking. International trafficking for the purposes of sexual and labor exploitation is a problem. The most common destination countries include the United Arab Emirates, Russia, Turkey, Saudi Arabia, Kuwait, and Iran. The International Organization for Migration reports that children are trafficked internally. Reliable statistics do not exist for the number of victims trafficked. The key organizations that deal with trafficking--the General Prosecutor's Office, the Ministry of Interior and the International Organization for Migration all have differing numbers. The majority of trafficking victims are female, single, and aged 20 to 26.

Trafficking for labor exploitation is primarily to Russia and the majority are unemployed males. The number of victims trafficked for labor exploitation is unclear. Because of the level of poverty in Tajikistan, according to unofficial accounts, up to one million men choose to go to Russia each year for work mostly in construction or agriculture. Most of them are unregistered, often subjected to poor living conditions, and face prejudice and sometimes brutality from their bosses and Russian citizens in general. The majority of the labor migrants choose to go on their own will.

Tajikistan is not known to be a receiving country for trafficking victims; trafficking victims are trafficked out of Tajikistan.

1B. Trafficking patterns as reported in section A remain the same. Government and non-governmental interlocutors did not report a decrease in trafficking victims. However they also did not see an increasing trafficking trend. Some fear that Russia's new migration law may increase labor trafficking, but it is too early to determine.

Political will to combat trafficking was strong. The government is keen on securing its borders, fighting organized crime, drug

trafficking and terrorists, and trafficking issues are integrated into these security concerns. Compared to previous years, international organizations and non-governmental organizations report that the government has been more cooperative on trafficking related projects. They attribute the change to the inter-agency commission. In 2006, the government also signed and enacted the national action plan and has begun to use it as a guide to combat trafficking.

In the Ministry of Interior's investigations, the majority of traffickers are individuals with private links to the receiving country. Traffickers are individuals and some operate in groups, but the Ministry of Interior declined to characterize them as international crime rings. The trafficking process usually starts with a recruiter who is a relative, neighbor or colleague of the victim. The typical trafficker is a middle-aged woman. Other facilitators in the process include those who organize logistics, including obtaining false passports and travel documents. Collaborators in the receiving country prepare accommodations and use their connections to force the victim into work.

Traffickers primarily target socially and economically vulnerable people in all parts of Tajikistan. Many are new arrivals to Dushanbe or Khujand from rural areas with little formal education. The Sughd region leads the country in the number of trafficking cases reported. The region's proximity to Kyrgyzstan makes it easy for traffickers to move victims across the border and on to other international points. Approximately 64% of the population lives under the poverty line, and thousands of Tajiks regularly leave the country in search of better income opportunities. Many of these economic migrants, especially from the rural areas, become victims of cross-border trafficking. Victims are typically approached either with offers of lucrative jobs abroad or by a direct offer to work as prostitutes.

#### 1C. The inter-agency commission and the International

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Organization for Migration continue to point out that the Trafficking In Persons Law (Article 130) is inadequate. The poorly-written law's structure and gaps make it difficult to convict a trafficker. A working group will be meeting in March 2007 to draft amendments to the law.

The lack of extradition agreements between Tajikistan and Arab countries, particularly the United Arab Emirates, where the largest percentage of victims are trafficked, prevents Tajikistan from repatriating victims and criminals. The government's inter-agency commission under the Presidential Advisor's Office drafted a bi-lateral agreement and submitted it to the government of the United Arab Emirates in 2006. However, Tajikistan has not received a positive response accepting the agreement.

On the other hand, Tajikistan's close relationship with other Commonwealth of Independent States countries affords it a loose travel regime. Tajik citizens are not required to obtain passports for international travel to countries like Kyrgyzstan, where increasingly more victims are trafficked. Because of tighter Tajik travel restrictions, traffickers are electing to take victims across the border to Kyrgyzstan by road and fly to the U.A.E. and other destinations via Osh.

The International Organization for Migration identified corruption as the number one barrier to anti-trafficking efforts. The government acknowledges that government officials do aid traffickers for money. Some passport officials issue illegal passports so victims can travel outside Central Asia and Russia; employees responsible for issuing birth and marriage certificates provide false documents so that traffickers can travel with the victims and victims can travel outside of the country into the United Arab Emirates where the majority of female victims are trafficked. The United Arab Emirates

prohibits women from Tajikistan under 30 years of age to enter the United Arab Emirates without a relative or spouse escort.

Tajikistan has received millions of dollars from donor countries and agencies in the fight against trafficking in persons. Most of the aid has gone into anti-trafficking efforts including training government officials, equipping investigative units, assisting victims and educating the public. The government has strong political will to combat trafficking, but must rely on international donors to provide these services. The government has limited funds for government employee trainings and provides support in-kind, not in cash.

¶D. Throughout the year, during government-supported conferences and roundtables, government officials will issue statements and assessments of the situation. Statements are available upon request. The government did not issue a comprehensive report on trafficking in 2006.

One of the biggest frustrations for international organizations and donor agencies is the lack of reliable information and statistics. Government agencies all have varying information and figures. Despite the existence of an analytical center, information from the center is not forthcoming. International organizations point out that government officials are not well trained to accurately record and analyze data. Tajik government bureaucracy and formalities also makes obtaining information difficult.

#### PREVENTION

¶A. The Tajik government acknowledges that trafficking is a problem in Tajikistan, has strong political will at the highest levels of government to stop trafficking, and has taken measures to stop the problem. The government has a high-level inter-agency commission to coordinate anti-trafficking activities and cooperates with international and local non-governmental organizations working in the field.

¶B. Several ministries and agencies in Tajikistan focus on trafficking in persons including the Ministry of Foreign Affairs, the General Prosecutor's Office, the Ministry of Interior, the Ministry of Health, the Ministry of Labor and Social Protection. A new Anti-Corruption Agency was established in January 2007 to deal with corruption issues. A special inter-agency commission of high-level officials from various ministries and President Rahmonov's administration works on

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coordinating anti-TIP efforts and serves as the focal point. The government's new National Action Plan outlines specific roles for each ministry and agency in handling TIP issues. Non-governmental organizations note that in 2006, since the National Action Plan was enacted, it has been easier to work with the commission and various ministries involved in anti-trafficking.

The Ministry of Foreign Affairs takes the lead on working with countries like the U.A.E. to try to repatriate victims, establish extradition agreements and cooperation with government agencies. The Ministry of Interior is responsible for investigations, and arrests in trafficking cases. Tajikistan's police force and special police trafficking in persons units fall under the Ministry of Interior. The General Prosecutors Office, working with the judicial system, is responsible for prosecuting and sentencing TIP violators. The Ministry of Labor and Social Protection takes the lead on labor migration, and under the National Action Plan, the Ministry of Health is responsible for assisting in the rehabilitation of victims. Other ministries and agencies working in trafficking problems include the State Border Protection Committee, Parliament's Committee for Women and Family Affairs and Committee on Constitutional Legality, Legislation and Human Rights, and the Ministry of Security.

1C. The government has conducted conferences, roundtables and seminars to train trainers how to educate people about the dangers of TIP. Local and international NGOs run programs and training programs to empower women. Specifically, the government has worked with international organizations to address the failing education system and decreasing school attendance of girls, recognizing that these factors will exacerbate poverty and increase the likelihood of trafficking. The government has developed its own awareness campaigns and provides input to the International Organization for Migration's campaigns. It supports local and international non-governmental organizations in trafficking education. The government occasionally will issue press statements and relies on the media to disseminate its information on TIP. The government, local and international NGOs also raise awareness by educating high school aged students about trafficking. Education and awareness campaigns in the country are targeted at potential victims.

1D. The government acknowledges that one of the primary reasons women are susceptible to trafficking is the lack of employment opportunities for them in Tajikistan. In 2006, the government ran a few small economic development projects, employing women as beekeepers and in the food processing industry. The inter-agency commission has submitted project proposals to international organizations to expand its employment projects targeted at women.

1E. Tajik government agencies cooperate closely with the U.S. Embassy, other diplomatic missions, donor agencies, and non-governmental organizations on TIP issues and are forthcoming with information that they have. The International Organization for Migration, the leading anti-trafficking agency in Tajikistan, reported an excellent working relationship with the government. The International Organization for Migration has a signed a Memorandum of Understanding with the inter-agency commission on combating trafficking. The Organization has a close working relationship with the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Security, Ministry of Labor and Social Protection and General Prosecutor's Office. Similarly, within the government, ministries and agencies work closely and are open with information.

1F. Each government agency that deals with trafficking has at least one or two people responsible for collecting and analyzing the agency's data. Border guards are stationed in Dushanbe's airports and along border checkpoints. Border guards are trained to screen for potential traffickers and victims. The State Migration Service under the Ministry of Interior, established a database to track trafficking acts. The Ministry of Interior operated a U.S.-funded Intelligence and Analytical Center for Counter-Narcotics and Trafficking In Persons.

1G. The government's chief point of contact is the head of the inter-agency commission, the Chief of the Department of Law and Order and Defense, Abdurahmon Azimov. As opposed to previous years, non-governmental organizations reported that the

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inter-agency commission has been cooperative. The National Action Plan outlines each agency's activities and is a focal point for coordination. In November 2006, the president signed a decree establishing an anti-corruption agency under the supervision of the president's office.

1H. The government does have a national action plan for 2006-2010. The inter-agency commission on trafficking consulted with various ministries including the Ministries of Foreign Affairs, Health, Interior, Security, Labor and Social Protection and the General Prosecutor's Office. With U.S. funding, the International Organization for Migration and the American Bar Association/Central European and Eurasian Law Initiative advised and assisted in drafting the national action plan. However, the non-governmental organizations noted that in the final editing phase, the government eliminated many of their recommendations including necessary legislative changes. The government also

omitted key deadlines set for completion of certain actions.

The government has proceeded on some items under the national action plan including the repatriation of victims and supporting information awareness campaigns.

#### INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶A. Tajikistan does have an article in its criminal code specifically for human trafficking-article 130.1. Tajikistan's trafficking laws do not differentiate between trafficking for sexual exploitation and trafficking for non-sexual purposes such as forced labor. The country does not have a law against slavery. Tajikistan does have a comprehensive Law of the Republic of Tajikistan on Combating Trafficking in Persons adopted August 2004. Traffickers are prosecuted under the articles of the following criminal codes: 122 (Coercion for removal of human organs and tissues for transplantation), 130 (Kidnapping), 130.1 (Human trafficking), 131 (Illegal imprisonment), 132 (Recruitment of people for exploitation), 134 (Coercion), 138 (Rape), 139 (Sexual abuse), 140 (Compulsion for sexual activities), 141 (Sexual intercourse or other sexual activities with persons under 16), 142 (Lecherous actions), 149 (Incorrect limitation of migration, freedom of choosing place of residence, emigration and returning of a citizen), 167 (Trafficking minors), 171 (Substitution of child), 172 (Illegal adoption), 238 (Involvement in prostitution), 239 (Establishment or keeping of dens, procuring or pimping), 335 (Illegal crossing of state border), 336 (Violation of state border regulations), 339 (Theft or damaging documents, stamps, seals), 340 (Forgery, manufacturing or sale of forged documents, state decorations, stamps, seals, letterheads), 401 (Recruitment).

¶B. The penalty for traffickers of people for sexual exploitation and labor exploitation both range from two to 12 years of imprisonment and/or the confiscation of property.

¶C. The penalty for traffickers of people for sexual exploitation and labor exploitation both range from two to 12 years of imprisonment and/or the confiscation of property.

¶D. The penalty for rape ranges from 12 to 20 years imprisonment. Overall, the prison term starts off at a longer time period and the maximum penalty is lengthier than the two to 12 years of imprisonment for sex trafficking. The ultimate penalty for rape of a minor is execution, although the government observes an EU-requested moratorium on capital punishment.

¶E. Prostitution and running brothels are illegal in Tajikistan according to criminal codes 238 (Involvement in prostitution) and 239 (Establishment or keeping of dens, procuring or pimping). The laws are enforced and are often used to punish traffickers.

¶F. According to the International Organization for Migration, in 2006, the government prosecuted 43 cases of trafficking, nine of which were related to trafficking of minors and newborns during the first six months of the year. The rest were mostly related to trafficking of women abroad for commercial sexual exploitation. According to the Ministry of Interior, 23 criminal groups involved in trafficking of persons were exposed during the year; 13 of them were revealed as the result of

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international cooperation.

With U.S. funding, specialized anti-trafficking law enforcement units continued to investigate reported trafficking cases, with 43 trafficking cases launched and 61 traffickers convicted during the year, a dramatic increase from 27 convictions in the previous year.

The government did not prosecute any labor trafficking cases.

¶G. The government identified one travel agency that served as a front for traffickers. Traffickers operated individually as well as in organized groups. Most traffickers are individuals with local and international partners. However, the Ministry of Interior does not characterize them as organized crime rings or established networks. The typical trafficker is a middle-aged woman with contacts in government agencies that illegally issue her false documents, and a partner in the receiving country who picks up the victim at the airport and arranges a job for the victim.

Traffickers funneled revenue back into private businesses, to purchase property or construct homes. The government finds it difficult to track the money flow because traffickers do not use the banking system. Sometimes trafficking payments are in the form of commodities instead of cash.

¶H. The General Prosecutor's office and the Ministry of Interior both actively investigate trafficking cases. The Ministry of Interior occasionally uses undercover agents, but did not report using electronic surveillance. The General Prosecutor's office does not provide immunity for suspects that cooperate with the government.

¶I. The government as well as local non-governmental organizations trained law enforcement agents on recognizing and investigating trafficking cases. The Ministry of Interior's Law Enforcement Academy teaches a course on combating trafficking, and law enforcement agents have a practical textbook on recognizing and investigating trafficking. The Ministry of Interior has set up special regional units to handle trafficking cases. Each unit's officers are especially trained to investigate trafficking cases and devote their time to handling only trafficking issues. The government trained judges to hear trafficking cases.

¶J. The government worked closely with foreign governments on investigation and prosecution of trafficking cases. Tajikistan does not cooperate with Uzbekistan or Turkmenistan on anti-trafficking efforts. Tajikistan has a good working relationship with Russia, Kyrgyzstan and Kazakhstan. In 2006, the government established a closer working relationship with the United Arab Emirates.

¶K. Tajikistan is a party to the 1993 Minsk Convention and operates under the convention's guidelines. Tajikistan does not have a specific law prohibiting it from extraditing its own nationals. It does not plan to establish a law and chooses to operate under the guidance of the Minsk Convention. The General Prosecutor's office said that if an extradition request were granted and the two countries' Ministries of Justice reached an agreement, it would comply as per the Minsk Convention.

The government of Tajikistan does not have extradition agreements, even on a bilateral level, with the governments of Arab states, particularly the United Arab Emirates. Tajikistan's inter-agency commission on anti-TIP drafted a bilateral agreement to facilitate extradition of criminals and repatriation of victims because the United Arab Emirates is the largest receiving country for Tajikistan's trafficking victims.

¶L. The head of the inter-agency commission acknowledged corruption is a problem, but refused to comment specifically on trafficking related corruption. The International Organization for Migration reported that some government officials responsible for issuing passports and marriage and birth certificates are known for providing traffickers with false documentation to facilitate traveling. This occurs on a bureaucratic level. No senior officials have been identified with trafficking related corruption. Overall, the government is

keen on stopping trafficking, and there is no evidence of widespread institutionalized government involvement in trafficking.

1M. The government is aware of corrupt officials and does prosecute them. The General Prosecutor's Office did not provide specific statistics. The president signed into effect November 2006, a new Anti-Corruption Agency.

1N. Tajikistan does not have an identified child sex tourism problem either as a source or destination country. Although children have been trafficked, the majority of sex trafficking cases involve women. Child sexual abuse laws do have extraterritorial coverage. According to the International Organization for Migration, children are trafficked internally primarily for labor. As of February 2007, five children resided in a trafficking victims' shelter. The children were recruited as beggars.

1O. Tajikistan ratified ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor June 8, 2005.

Tajikistan has acceded to ILO Convention 29 and 105 on forced or compulsory labor November 26, 1993 and September 23, 1999 respectively.

Tajikistan acceded to the Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography August 5, 2002.

Tajikistan acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime July 8, 2002.

#### PROTECTION AND ASSISTANCE TO VICTIMS:

1A. In theory, the TIP law protects victims but in practice, a significant lack of resources hinders the government's ability to provide protection. (Relevant legislation includes: Article 13 "Specialized institutions rendering support and assistance to victims of human trafficking", Article 14 "Centers for support and assistance to victims of human trafficking", Article 16 "Social rehabilitation of victims of human trafficking", Article 17 "Measures on protection of victims of human trafficking", Article 18 "Obligations of diplomatic representations and consular offices of the Republic of Tajikistan on rendering assistance to and protection of victims of human trafficking", Article 20 "State guarantees to victims of human trafficking.")

The government cooperated with the International Organization for Migration to run two shelters for trafficking victims. With U.S. support, the shelters provided victims with medical and psychological assistance. The International Organization for Migration also provided some victims with legal assistance. Although several international and local nongovernmental organizations assist trafficking victims, the government did not establish or operate any other facilities dedicated to helping trafficking victims other than the above-mentioned shelters. The shelters also provide rehabilitation services to victims including vocational training, and third party facilitation to help reunite them with their families.

1B. The government does not provide financial support to local or domestic NGOs; Tajikistan relies on foreign NGOs to provide the country services and financial assistance. The government did provide in-kind support such as providing facilities for trainings, accommodations, and waiving shelters' utility fees. Although it cannot provide monetary support, the government works closely with non-governmental organizations and the International Organization for Migration to assist victims. Government officials were usually open and receptive to non-governmental organizations' ideas and advice on anti-trafficking efforts.

¶C. Because Tajikistan is not a receiving country of trafficking victims, the government does not have a formal system to identify victims of trafficking. However, the U.S. government has funded training for officers of the Ministry of Interior's Trafficking in Persons Unit to identify trafficking victims and conduct investigations. Victims, when identified are usually

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transported to the International Organization of Migration shelters for care. Border guards are also trained to identify trafficking victims.

¶D. Victims are not treated as criminals and their rights are respected. The General Prosecutor's office did not pursue criminal charges against trafficking victims or issue fines. Victims are not detained, jailed or deported. However, if the Ministry of Interior determines a trafficking victim participated in the trafficking process including defrauding government authorities, the victim may be treated as a criminal trafficker. Victims who elected to reside temporarily in the International Organization for Migration shelters are confined to the shelter until the Ministry of Interior has conducted its investigation. Guards stood watch at the shelter.

¶E. The government provided victims and witnesses with security and confidentiality, however, the government admits the protection is minimal. The government does encouraged victims to assist in the investigation process and provide testimony during trials. It ensured the victim's confidentiality and offers closed trials. Victims are permitted to obtain other employment or leave the country after testifying if they choose, however there is no restitution program. If victims move, they leave their city or region, but usually not the country. Victims may file civil suits and seek other legal of financial redress against the traffickers.

¶F. The government does not operate its own shelters. In 2006, the U.S. government funded the International Organization for Migration to run two trafficking victims shelters. The government intends to open its own shelters in the future, according to the guidance of the Law on Combating Trafficking and the National Action Plan.

¶G. The government does investigate trafficking in children. Law enforcement agents are not given specialized training in trafficking in children. However, the government established an anti-trafficking investigation unit specifically to combat trafficking in children. Trafficked children are placed into orphanages upon their repatriation or return to Tajikistan.

There is no special training for staff in Tajikistan's embassies and consulates abroad on trafficking matters. However, in 2006 the Ministry of Foreign Affairs, in conjunction with the inter-agency commission, traveled to the United Arab Emirates to repatriate victims. The interagency commission reported a good relationship with the United Arab Emirates government.

¶H. The government relied on the International Organization for Migration to assist victims it repatriates and place them in a shelter. The shelters have trained staff to assist with the psychological and medical needs of the victims. Staff also assisted in rehabilitating victims to re-enter society. The Ministry of Health and other government agencies worked closely with IOM and the shelters.

¶I. The federal and local government cooperated closely with international organizations and NGOs on anti-TIP efforts. The leading non-governmental organization on trafficking in Tajikistan for 2006 remained the International Organization for Migration. Many other international organizations worked on trafficking issues as well. Their services included training programs and seminars for officials and journalists to combat trafficking, as well as training programs targeted at potential victims. They produced awareness and education campaigns on television and radio media. These organizations also delivered

lectures, held conferences, published articles, held competitions, produced theater shows, and employed other creative ideas to raise awareness. In 2006, local NGOs ran 16 phone hotlines specifically for trafficking victims and issues.

12. U.S. Embassy Dushanbe's point of contact on trafficking in persons is:

Uyen Tang  
Political/Economic Officer  
Tel: 992-372-229-2505  
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